

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

209

**CA 11-00476**

PRESENT: SCUDDER, P.J., CENTRA, PERADOTTO, LINDLEY, AND MARTOCHE, JJ.

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DARNELL BACKUS, PLAINTIFF-APPELLANT,

V

ORDER

KALEIDA HEALTH, DOING BUSINESS AS BUFFALO GENERAL  
HOSPITAL, ET AL., DEFENDANTS,  
AND BOONCHUAY ANUNTA, M.D., DEFENDANT-RESPONDENT.

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CAMPBELL & SHELTON LLP, EDEN (R. COLIN CAMPBELL OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

BROWN & TARANTINO, LLC, BUFFALO (JEFFREY A. WIECZKOWSKI OF COUNSEL),  
FOR DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered November 12, 2010 in a medical malpractice action. The order granted the motion of defendant Boonchuay Anunta, M.D. for a directed verdict and dismissed the complaint against defendant Boonchuay Anunta, M.D.

Now, upon reading and filing the stipulation of discontinuance of appeal signed by the attorneys for the parties on February 15, 2012,

It is hereby ORDERED that said appeal is unanimously dismissed without costs upon stipulation.

Entered: March 16, 2012

Frances E. Cafarell  
Clerk of the Court